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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GLAZING HEALTH AND WELFARE FUND, et
al.,

Plaintiffs,

vs.

PEREGRINE INSTALLATION, CO., an Indiana
corporation; JOHN DOES I-X, inclusive; ROE
ENTITIES I-X, inclusive; BOE BONDING
COMPANIES I-X, inclusive,

Defendants.

CASE NO.: 2:10-cv-00752-GMN-LRL

**STIPULATED DISCOVERY
PLAN & SCHEDULING ORDER**

Date: N/A

Time: N/A

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 26-1(d), all parties to this action, acting through their respective counsel, met on November 30, 2010 and hereby submit their Stipulated Discovery Plan ("Plan").

SUBMITTED IN COMPLIANCE WITH LR 26-1(e)

Information Required Under Fed. R. Civ. P. 26(f)

1. Changes in timing, form or requirement for disclosures.

a. Initial disclosures were or will be provided in accordance with FRCP 26(a)(1) on or before December 14, 2010.

2. Subjects of Discovery. The parties anticipate Discovery will be required in the following areas:

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1 a. The facts and circumstances that will enable the Court to determine the
2 validity of the allegations of Plaintiffs' Complaint, including the enforceability of the
3 labor agreement(s), the Plaintiffs' Trust Agreements and the validity of any Audit claims
4 against Defendants;

5 b. The facts and circumstances that will enable the Court to determine the
6 validity of any affirmative defenses asserted by the Defendants;

7 c. Production of documents so that Plaintiffs may confirm the findings of
8 their compliance Audit(s) of the Defendants' payroll and related employee records;

9 d. Production of relevant information regarding the labor agreement(s),
10 effective dates, trust fund operations and the employer's file;

11 e. Production of relevant information and/or documents regarding any
12 payments made to satisfy the Audit claims and/or damages asserted by the Plaintiffs;

13 f. Deposition testimony from Peregrine Installation Co. employees,
14 supervisors, principals and subcontractors may be required; and

15 g. Deposition testimony from union and/or trust fund administrative
16 personnel and auditors may be required.

17 Any party may propound Discovery as allowed by the Federal Rules of Civil
18 Procedure, the Local Rules of the Court and this Order. The parties reserve any general
19 Discovery matters as needed.

20 3. Completion of Discovery. The parties anticipate that Discovery focused on the
21 above issues can be completed within 180 days from the anticipated filing date of this Plan
22 (December 6, 2010), which would generate a **Discovery Cut-Off Date of June 6, 2011.**

23 4. Orders under Fed. R. Civ. P. 26(c) and 16(b) and (c). The parties are not aware of
24 any other matter or order that should be entered under these Rules.

25 Information Required Under LR 26-1(e)

26 1. Discovery Cut-Off Date. Discovery shall be completed by **June 6, 2011.**
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1 2. Amending the Pleadings and Adding Parties. Motions to amend pleadings, or to
2 add parties, shall be filed not later than ninety (90) days prior to the close of Discovery, or
3 **March 8, 2011.**

4 3. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts). The parties will disclose experts,
5 if any, not later than sixty (60) days prior to the close of Discovery, or **April 7, 2011.** Rebuttal
6 experts shall be disclosed within thirty (30) days after the initial disclosure of experts and no
7 later than **May 6, 2011.**

8 4. Dispositive Motions. The parties will file Dispositive Motions not later than
9 thirty (30) days after the Discovery Cut-Off Date, or **July 6, 2011.**

10 5. Pretrial Order. The parties shall file the joint Pretrial Order no later than thirty
11 (30) days after the date set for filing Dispositive Motions, or **August 5, 2011.** If the parties file
12 Dispositive Motions, then the duty to submit a Pretrial Order shall be suspended until thirty (30)
13 days after the final decision on the Dispositive Motions or further Order of the Court.

14 6. Fed. R. Civ. P. 26(a)(3) Disclosures. All disclosures required by Fed. R. Civ. P.
15 26(a)(3) and any objections thereto shall be included in the Pretrial Order.

16 7. Time Required for Trial. The parties believe that Trial of this matter will take 2
17 to 3 days.

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1 8. Trial Dates. The parties and their counsel anticipate being available for Trial
2 during the weeks of September 12, 19 and 26, 2011.

3 Dated: December 6, 2010.

4 CHRISTENSEN JAMES & MARTIN

SHUMWAY VAN & HANSEN, CHTD.

5 By: /s/ Wesley J. Smith

By: /s/ Robert A. Ryan

6 Wesley J. Smith, Esq.

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8 Las Vegas, Nevada 89117

Las Vegas, NV 89123

Attorneys for Plaintiffs

Attorneys for Defendants

9
10 IT IS SO ORDERED



11 _____
United States Magistrate Judge

12 Dated: 12-16-10

13 _____

14 SUBMITTED BY:

15 CHRISTENSEN JAMES & MARTIN

16 By: /s/ Wesley J. Smith

17 Wesley J. Smith, Esq.

18 *Attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

☒ **ELECTRONIC SERVICE:** Pursuant to Local Rule LR 5-4 of the United States District Court for the District of Nevada, the above-referenced document was electronically filed and served on all appearing parties through the Notice of Electronic Filing automatically generated by the Court.

☐ **UNITED STATES CERTIFIED MAIL:** By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid Certified Mail postage, addressed to the parties at their last-known mailing address(es):

☐ **OVERNIGHT COURIER:** By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally-recognized courier, addressed to the parties listed on the attached service list at their last-known mailing address.

☐ **FACSIMILE:** By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

CHRISTENSEN JAMES & MARTIN

By: /s/ Natalie Larson